IN THE HIGH COURT OF JUDICATURE OF BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO.1005 OF 2005
IN
EXECUTION APPLICATION NO.183 OF 2004
IN
SUM.SUIT NO.1510 OF 2002

M/s.G.M.Breweries Ltd. ..Plaintiff.

V/s.

M/s.Siddhivinayak Builders & Anr...Defendants.

And

Mr.Kamal Kumar. ..Intervenor/-
Obstructionist.

Mr.O.A.Das for plaintiff.

Mr.Kamal Kumar, applicant in person.

CORAM: A.M.KHANWILKAR,J

DATE : SEPTEMBER 19, 2005.

P.C. :

1. Applicant appears in person. Counsel for the plaintiff/decree holder fairly accepts that compilation of documents filed in terms of order dated August 22, 2005 indicates that the applicant is bonafide purchaser of the premises being flat No.B-402, in building known as "Venus", situated at Chickoowadi, Borivli(West), Mumbai-400 092; for which reason, decree passed against the defendant cannot be executed against the applicant as the applicant is not party to the proceedings.

2. Accordingly, chamber summons is made absolute in terms of prayer clause (b) only with regard to the premises being flat No.B-402, situated at building Venus referred to above. In other words, warrant of attachment in respect of the above said premises is set aside and recalled and attachment regarding the remaining building shall operate subject to other order to be passed by the court. No order as to costs.